

JOINT PUBLIC NOTICE

August 10, 2007

United States Army
Corps of Engineers
New Orleans District
Regulatory Functions Branch
Post Office Box 60267
New Orleans, Louisiana 70167-0267

State of Louisiana
Department of Environmental Quality
Office of Environmental Services
ATTN: Water Quality Certifications
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

(504) 862-1588
Project Manager: Doris Terrell
Permit Application Number: MVN-2007-03027-CU
(General Permit) NOD-19

(225) 219-0957
Project Manager: Jamie Phillippe
WQC Application Number: JP 070813-01

SPECIAL PUBLIC NOTICE

PROPOSED 5-YEAR TIME EXTENSION/MODIFICATION OF THE GENERAL PERMIT FOR PUBLIC BOAT LAUNCH FACILITIES

Interested parties are requested to review the enclosed time extension of the General Permit for Installation and Maintenance of Public Boat Launch Ramps and Associated Vehicle and Boat Trailer Parking Within the Boundaries of the New Orleans District.

Specific legislation requiring Department of the Army permits for work of this nature are: [X] Section 10 of the Rivers and Harbors Act of March 3, 1899 (30 Stat. 1151; 33 USC 403); and/or [X] Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344).

Application has also been made to the Louisiana Department of Environmental Quality, Office of Environmental Services, for a Water Quality Certification (WQC) in accordance with statutory contained in Louisiana Revised Statutes of 1950, Title 30, Chapter 11, Part IV, Section 2074 A(3) and provisions of Section 401 of the Clean Water Act (P.L. 95-217).

The comment period for the Department of the Army Permit and the Louisiana Department of Environmental Quality WQC will close 30 days from the date of this joint public notice. Written comments, including suggestions for modifications or objections to the proposed work, stating reasons thereof, are being solicited from anyone having interest in the permit and/or this WQC request and must be mailed so as to be received before or by the last day of the comment period. Letters concerning the Corps of Engineers permit application must reference the Permit Application Number, and be mailed to the Corps of Engineers at the address above, ATTENTION: REGULATORY BRANCH. Similarly, letters concerning the Water Quality Certification must reference the applicant's name and the WQC Application Number and be mailed to the Louisiana Department of Environmental Quality at the address above.

The application for this proposed project is on file with the Louisiana Department of Environmental Quality and may be examined during weekdays between 8:00 a.m. and 4:30 p.m. Copies may be obtained upon payment of costs of reproduction.

Corps of Engineers Permit Criteria

The decision whether to extend the general permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative factors thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed general permit extension. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to modify or not extend the general permit. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

No properties listed in the National Register of Historic Places are near the proposed work. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, or historical sites or data. Copies of this notice are being sent to the State Archeologist and the State Historic Preservation Officer.

Our initial finding is that the proposed work would neither affect any species listed as endangered by the U.S. Departments of Interior or Commerce nor affect any habitat designated as critical to the survival and recovery of any endangered species.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal would result in the destruction or alteration of ___ acre(s) of EFH utilized by various life stages of red drum and penaeid shrimp. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency and certification that the proposed activity will not violate applicable

water quality standards will be required from the Department of Environmental Quality, Office of Environmental Services, before a permit is issued.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The New Orleans District has certified that activities covered by the general permit comply with and will be conducted in a manner that is consistent with the Louisiana Coastal Resources Program.

You are requested to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.

Martin S. Mayer
Chief, Central Evaluation Section
Regulatory Branch

Enclosures



DEPARTMENT OF THE ARMY

NEW ORLEANS DISTRICT, CORPS OF ENGINEERS

P.O. BOX 60267

NEW ORLEANS, LOUISIANA 70160-0267

JUNE 3, 2002

REPLY TO
ATTENTION OF

Operations Division
Eastern Section

SUBJECT: CEMVN-OD-SE (General Permit) NOD-19

SPECIAL PUBLIC NOTICE

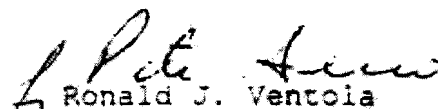
TIME EXTENSION OF THE GENERAL PERMIT FOR PUBLIC BOAT LAUNCH FACILITIES

Interested parties are hereby notified that the general permit, originally issued by this district on September 24, 1982, to authorize the installation and maintenance of public boat launch ramps and associated vehicle and boat trailer parking within the boundaries of the New Orleans District, is hereby extended until November 30, 2007.

All available information was considered in determining that the public interest would best be served by this time extension. It is particularly noted that no significant adverse effects were noted or reported to us during the time the permit was previously in force.

Any person wishing to provide additional comments to assist in improving this general permit or advising us of adverse impacts is requested to send them to the Regulatory Branch, at the address listed at the head of this notice. Please refer to (General Permit) NOD-19 in any future correspondence.

A copy of the general permit is attached. Additional copies of the general permit are available upon written request, to the Regulatory Branch, at the above address.


Ronald J. Ventola
Chief, Regulatory Branch

Attachment

(113)



CEMVL-OD-SE
ATTENTION OF:

DEPARTMENT OF THE ARMY

NEW ORLEANS DISTRICT, CORPS OF ENGINEERS

P.O. BOX 60267

NEW ORLEANS, LOUISIANA 70160-0267

JUN 3 2002

GENERAL PERMIT

TIME EXTENSION FOR THE GENERAL PERMIT FOR PUBLIC BOAT LAUNCH FACILITIES

AUTHORIZATION NO.: SE(General Permit) NOD-19

INITIAL EFFECTIVE DATE: 24 September 1982

EXPIRATION DATE: 30 November 2007

Under authorization granted by applicable sections of Parts 320, 322, 323, 325, and 329 of Title 33, Code of Federal Regulations, the District Engineer at New Orleans has determined that it is in the public interest to issue a general permit to:

Perform work in or affecting navigable waters of the United States, pursuant to Section 10 of the Rivers and Harbors Act of 3 March 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344).

The specific work and activity authorized by this permit is the installation and maintenance of public boat launch ramps with associated vehicle and boat trailer parking within the boundaries of the New Orleans District.

The general authorization for the above-cited work is granted subject to the following conditions:

a. This general permit is applicable throughout the New Orleans District, except for Orleans Parish, Louisiana.

b. This general permit is only applicable for public boat launch facilities applied for by local governing bodies, state, and federal agencies.

c. Under this general permit, applicants are allowed to place sand, gravel, riprap, shell, and concrete for boat ramps; install and maintain walkways next to the boat ramps; dredge as necessary to install the ramps; place dredged material, hauled shell and/or clean fill to construct parking areas; place erosion control structures along the shoreline; and perform minor dredging necessary for installation of the erosion control works.

d. Dredge and/or fill material is permitted in wetlands for the parking area provided no more than two (2) acres of wetlands are filled and provided that there are no practical nearby available non-wetlands sites. For work within the Louisiana Coastal Zone and the Coastal Wetlands Planning Protection and Restoration Act (CWPPRA) designated Coastal Wetlands Conservation Plan Boundary, the Louisiana Department of Natural Resources, Coastal Management Division will require compensatory mitigation for any loss of wetlands.

e. Only dredging necessary to allow construction of the boat ramp and erosion protection devices is allowed under this approval. Dredging of an access channel to serve the boat ramps is not authorized under this general permit.

f. No fill for parking is allowed channel ward of the ordinary high water or mean high water shoreline, whichever is applicable.

g. Authority under this general permit does not include approval of access roads to the parking and boat launch facilities.

h. No domestic waste handling facilities are allowed at boat ramps unless approved by the appropriate state or local agency responsible for permitting domestic waste treatment facilities.

i. No work may be performed within 500 feet of a state scenic stream without the written approval of Louisiana Wildlife and Fisheries.

j. No work may be performed within one mile of a site eligible to be listed or listed on the National Register of Historic Places, or within one-half mile of a known archaeological site, or within one-half mile of any known cultural resource site.

k. No work may be performed in the proximity of a public water supply intake.

l. No work may be performed within any area leased by the Louisiana Department of Wildlife and Fisheries for harvesting oysters without the specific authorization of the leaseholder. Additionally, no work may be performed in public oyster grounds or seed beds.

m. No work may be performed within the boundaries of a national or state wildlife refuge, game management area, or similar area without specific authorization by the manager of the facility or appropriate official at the managing agency.

n. No work may be performed within 1,000 feet of a levee or other flood control facilities constructed or maintained with federal funds, or owned and operated by agencies of state or local governments without the written consent of the appropriate agency or governing body.

o. No work may be performed within 500 feet of a weir or other type of water control structure, or in a tidal pass narrower than 30-feet.

p. No activity that is within 0.5 mile of a bald eagle's nest is authorized under this general permit.

q. No work may be performed within 1,500 feet of any known seabird or wading bird nesting colony.

r. Applicants wishing to perform work under authority of this general permit must make written application to the Regulatory Branch of this district office and receive written authorization before commencing work.

Written request must include a map showing the location of the proposed work and sufficient letter-sized drawings to illustrate the work to be done. Additionally, the applicant should include a report on other sites with no or less wetland acreage that were investigated, and why the other proposed sites were not found to be feasible.

s. This general permit may be suspended, modified, or revoked by the Commander and District Engineer any time it is found to be in the public interest to do so.

t. The District Engineer may choose not to grant approval under this general permit and require the applicant to go through regular permit processing procedures when he finds that such action is in the public interest.

u. Public notice will be given any time this permit is modified, revoked, or suspended.

v. If cultural artifacts are discovered at a worksite, work must be suspended and notification given by the permittee to the State Historic Preservation Officer. Work may not resume until proper provisions are made for study, preservation, or recovery of the artifacts.

w. Applicable provisions of the regular Department of the Army permit (ENG 1721) are made part of this general permit. A copy of this form is attached.

x. The character of the work authorized by this permit is illustrated on the attached drawings of a typical installation.

y. Additional conditions may be added to this permit any time it is found to be in the public interest to do so.

z. No work may be performed within an area where mitigation has been implemented as a requirement of a permit action.

aa. The applicant agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, special aquatic sites (including wetlands), and natural environmental values.

bb. The applicant shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections of the project site(s) and disposal site(s) at any time deemed necessary in order to assure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed herein.

cc. The authorization to perform work under this general permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and it does not authorize any injury to property, invasion of rights, or any infringement of federal, state, or local laws or regulations, nor does it obviate the requirement to obtain a coastal use permit from the Louisiana Department of Natural Resources, Coastal Management Division, or other state or local assent required by law for the activity authorized herein. For work within the Louisiana coastal Zone and the Coastal Wetlands Planning Protection and Restoration Act (CWPPRA) designated Coastal Wetlands Conservation Plan Boundary, the Louisiana Department of Natural Resources Coastal Management Division will require compensatory mitigation for any loss of wetlands.

dd. There shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein. The applicant will, at his or her expense, install and maintain any safety lights, signals, and signs prescribed by the United States Coast Guard, through regulations or otherwise, on authorized structures or facilities or on equipment used in performing work under the authorization.

ee. Wetlands that are not part of the project site, but that are disturbed during construction, including the temporary crossing of wetland areas, will be restored to their preproject elevations and conditions coincidental to completion of the proposed project.

ff. When work is done by heavy equipment or heavy materials are temporarily stored in wetland areas, mats will be utilized and activities confined to matted areas. When work is complete the mats will be removed and the site restored to preproject conditions as needed.

gg. The applicant agrees to prosecute the construction of work authorized by this general permit in a manner so as to minimize any degradation of water quality.

hh. Any modification, suspension, or revocation of this general permit shall not be the basis for any claim for damages against the United states.

ii. The applicant assures that any dredged and/or fill material will be, to best of the applicant's knowledge, free of contaminants.

jj. No activity that is likely to adversely affect federally listed threatened or endangered species, or a species proposed for such designation, or that is likely to destroy or adversely modify the critical habitat of such species, is authorized under this general permit.

kk. Individual approvals granted under this general permit allow 3 years from the date of the approval letter to complete the project.

ll. This District office may require compensatory mitigation for loss of wetlands, as appropriate, on a case-by-case basis.

Procedures to be followed in administering this general permit are as follows:

a. Initial contact may be made in person or by telephone. Persons to be contact and their telephone numbers are:

- (1) Mr. Ronnie W. Duke
Chief, Eastern Evaluation Section
(504) 862-2261

(2) Mr. Pete Serio
Chief, Western Evaluation Section
(504) 862-2044

b. If authorization to proceed is granted at the initial contact, the permittee must supply written documentation of the work to be done within (1) working day of the approval being granted, including necessary maps, drawings, sketches, and information on alternative sites that were considered.

c. Permittee will supply all other information necessary to establish a complete file.

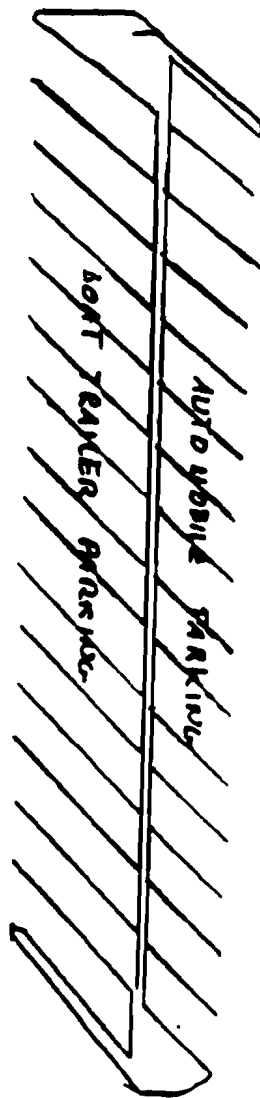
d. Written approval will be granted after all necessary information has been provided.

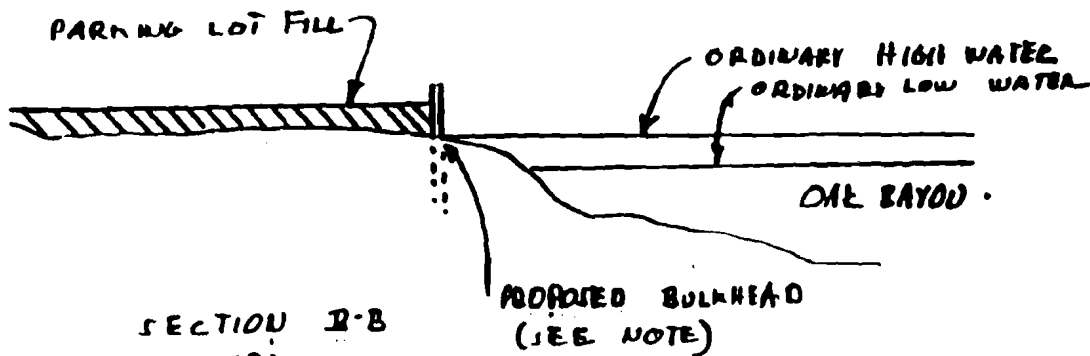
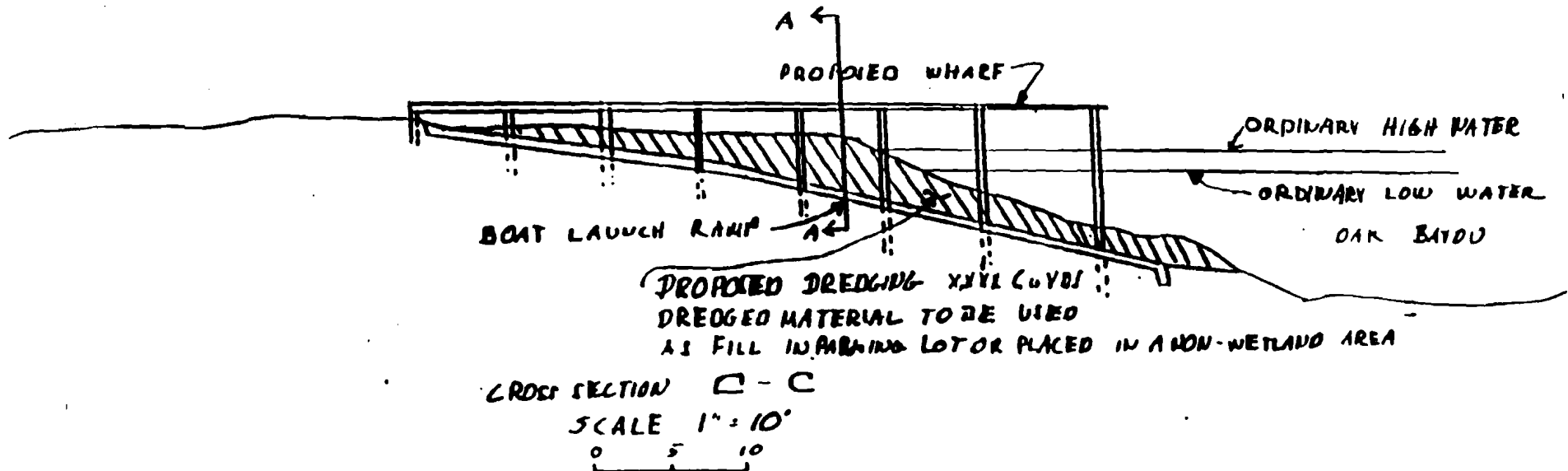
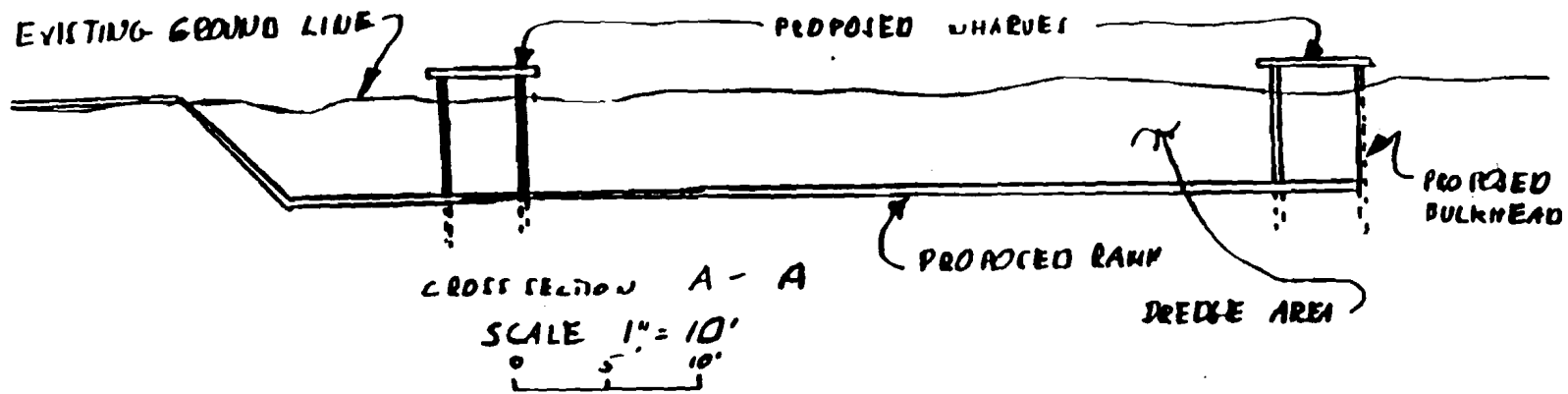
BY THE AUTHORITY OF THE SECRETARY OF THE ARMY:


Ronald J. Ventola
Chief, Regulatory Branch

Attachments

1. Typical boat ramp drawing
2. ENG Form 1721





NOTE: FOR EROSION CONTROL THE FOLLOWING SHOULD BE ALLOWED:

1. A BULKHEAD AT OR LANDWARD OF THE ORDINARY HIGH WATER SHORELINE.
2. RIP RAP ALONG SHORE NOT TO EXCEED 1 CUBIC YARD PER RUNNING FOOT.
3. BONDED RIP RAP, CONCRETE MATASSI, OR SIMILAR COMMERCIAL PRODUCT. MINOR DREDGING WOULD BE PERMITTED TO ALLOW INSTALLATION OF THESE MATERIALS PROVIDED DREDGED MATERIAL IS USED FOR PARKING AREA OR PLACED IN A NON-WETLAND AREA.

GENERAL PERMIT NOD-19

ATTACHMENT 12

DEPARTMENT OF THE ARMY PERMIT

Permittee _____

Permit No. (GENERAL PERMIT) NOD-19

Issuing Office _____

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

Project Location:

Permit Conditions:

General Conditions:

1. ~~The time limit for completing the work authorized ends on _____.~~ If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, ~~although you may make a good faith transfer to a third party in compliance with General Condition 4 below.~~ Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

~~4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.~~

~~5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.~~

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

☒ Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

☒ Section 404 of the Clean Water Act (33 U.S.C. 1344).

☐ ~~Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).~~

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. ~~In issuing this permit,~~ the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

~~6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.~~

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER)

(DATE)

~~When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.~~

(TRANSFeree)

(DATE)